

**REMARKS**

The Office Action mailed January 29, 2004 has been received and carefully noted. The amendment made herein and the following remarks are submitted as a full and complete response thereto.

No extension of time is believed to be required based upon the filing of this Amendment prior to the deadline of the three-month statutory period (i.e., April 29, 2004). Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing **Attorney Docket No. 107156-00073**, for any additional fees necessary for entry of this Amendment.

Claim 1 has been amended. Applicants submit that the amendment made herein is fully supported in the Specification and the drawings as originally filed, and therefore no new matter has been introduced. Accordingly, claims 1-4 are pending in the present application and are respectfully submitted for reconsideration.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Endoh et al. patent (U.S. Patent No. 5,896,358). Claims 2-4 are dependent on independent claim 1. Claim 1 has been amended. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 1, as amended, recites an audio reproducing apparatus comprising audio reproducing device for reproducing audio information, discriminating device for discriminating sound stream contained in the audio information, storing device for storing frequency character information set corresponding to the sound stream, renewing device for variably adjusting the frequency character information in accordance with the sound stream discriminated by the discriminating device and control device for performing a control so that the renewing device can be variably adjusted in accordance with the frequency character information

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corresponding to the sound stream discriminated by the discriminating device, and that the audio reproducing device can output the audio information. It is submitted that the Endoh et al. patent does not disclose or suggest the audio reproducing apparatus, as claimed in the amended independent claim.

Rather in Endoh et al., bit stream information data in an inputted audio stream signal is supplied to a mode sensor 163, which judges whether the mode is a surround mode or a special playback mode. If it is the surround mode, the audio data will not be subjected to a down-mixing process at a down mixer 161, but will instead be converted into analog audio signals by a D/A converter that are outputted in the form of corresponding 5-channel audio signals. Even in the surround mode, when the reproduction is provided with only two 2-channel speakers, a signal indicating a 2-channel system is entered from an input section 164 into a control circuit 168. Upon receipt of such a signal, control circuit 168 supplies a default mixing signal indicating that a down-mixing process should be carried based on coefficients generated by a surround mixing coefficient generator 167. (col. 9, ls. 19-44) When the audio data is for special use, a normally used first-type accompanying sound selectively made unused is generated by using at least one of the main audio signals for special use, and a second-type accompanying sound for which, whether it is selectively used and normally unused or selectively unused and normally used, has been specified by the user, is generated by using at least one of the sub-audio signals, thereby enabling reproduction of transmitted audio data according to the choice the user has selected. (col. 5, ls. 33-47) After a choice on a display unit 169 has been selected from the input section 164 while in special playback mode, a special-use mixing coefficient generator 165 generates a special-use mixing signal corresponding to the selected choice. According to the mixing signal,

the down mixer 161 mixes the 5-channel audio signals and outputs 2-channel audio signals for special use or 5-channel audio signals. (col. 10, ls. 16-32)

Such does not disclose or suggest an audio reproducing apparatus, as claimed, comprising, in pertinent part, a renewing device for variably adjusting frequency character information in accordance with the sound stream discriminated by the discriminating device and a control device for performing a control so that the renewing device can be variably adjusted in accordance with the frequency character information corresponding to the sound stream discriminated by the discriminating device and that the audio reproducing device can output the audio information. Rather, with respect to audio signals, the Endoh et al. patent merely discloses that a down-mixing process is carried out while in surround sound mode when the reproduction system is provided with only two 2-channel speakers or while in special playback mode according to choices manually selected in the special mode. Thus, the Endoh et al. patent does not disclose or suggest such renewing device and control device, as claimed. Applicants respectfully submit that the Endoh et al. patent therefore fails to disclose or suggest the audio reproducing apparatus of independent claim 1. Independent claim is thus submitted as being patentable. Based upon the patentability of independent claim 1, the dependent claims are also submitted as being patentable since they differ in scope from the parent independent claim.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this application.


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